

# THE MARGOLIN & WEINREB LAW GROUP, LLP

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November 2, 2017

Via ECF

Honorable Judith C. McCarthy  
United States Magistrate Judge  
The Charles L. Brieant, Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

*Borrower:* Karen Beltran  
*Civil Index No.:* 16-cv-04309 (VLB)  
*Property:* 60 Truman Avenue, Yonkers, New York 10703

Honorable Madam:

We represent plaintiff Gustavia Home, LLC (“Gustavia”) regarding the pending foreclosure action against Karen Beltran (the “Defendant”).

Please let this letter serve as an update regarding this case.

Gustavia commenced this instant action by filing a complaint on June 9, 2016.

Thereafter, Defendant filed a voluntary Chapter 13 bankruptcy case in the United States Bankruptcy Court for the Southern District of New York on March 21, 2017 which was assigned case number 17-22419-rdd. Defendant’s bankruptcy case stayed all proceedings in this Court by virtue of 11 U.S.C. §362(a).

In the bankruptcy case, Defendant moved by Notice of Motion dated June 6, 2017, seeking to avoid Gustavia’s lien under 11 U.S.C. §§506(a) and (d). Gustavia filed an Objection to the Defendant’s Chapter 13 plan on June 22, 2017. According to the Bankruptcy Court docket, the hearing on confirmation of Defendant’s plan and the hearing on Defendant’s Motion to avoid Gustavia’s lien is scheduled for November 15, 2017.

By virtue of Bankruptcy Code §362(a), Gustavia is still stayed from proceeding in this case.

Respectfully,  
The Margolin & Weinreb Law Group, LLP

/s/ Randy J. Schaefer  
Randy J. Schaefer, Esq.

RJS:bhs

cc: Patricia M. Lattanzio, Esq. (attorney for Karen Beltran)(via email)